

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.44 Of 2003.

Ram Dayal Vs. Kunwar Veer Sen

Date Of Order ::: 24.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. G.K. Garg and

Mr. Saransh Saini, Counsel for defendant-appellant

Mr. Rajesh Moodiya, Counsel for plaintiff-respondent

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondent filed a suit for eviction, which was decreed by the Lower Court on the ground of denial of title of the plaintiff by the defendant in respect of the rented property. The judgment and decree passed by the Lower Court has been affirmed by the first appellate Court also.

I have heard the learned counsel for both the parties and after considering their submissions in the light of the findings of both the Courts below, I find

that the Issue No.1 as well as Issue No.4, both relate to the question of facts and both the Courts below have recorded a finding of fact that the relationship of the landlord and tenant exists in between them and the defendant has specifically denied the title of the plaintiff in the written statement. The finding of fact arrived at by both the Courts below cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.